

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing comments and submission of replacement drawing sheet comprising Figure 1.

I. DRAWING OBJECTIONS AND STATEMENT UNDER 37 C.F.R. § 1.133

Applicants' Representative thanks Examiner S. Swope for the helpful and courteous discussion on October 27, 2009. To the extent a statement under 37 C.F.R. § 1.133(b) is necessary, the substance of the discussion is set forth in detail herein.

Applicants have submitted a replacement sheet for Figure 1 to overcome the objection in the Office Action dated April 20, 2009. Specifically, new Figure 1 more clearly shows "EPO" and the labels for "Box 1" and indicates the left and right portions of the Figure as "A" and "B".

Applicants have amended the specification to describe the Figures in more detail, as requested by the Office.

During the discussion on October 29, 2009, the Examiner indicated that Figure 9 need not be replaced if suitably explained in the specification. Applicants have revised the legend to Figure 9. Accordingly, no replacement drawing is needed.

II. WRITTEN DESCRIPTION SUPPORT FOR AMENDMENT

The text added to the description of Figure 2 is supported in the specification, e.g., at paragraphs [0012]-[0013] and [0143] (citing to publication US 2006-0288432). A person of ordinary skill in the art would recognize that Figure 2 relates to flow cytometry as described in the added text, based on e.g., labeling of Forward Scatter ("FSC"), Side Scatter ("SSC"), "CD36", and "GpA."

The text added to the description of Figure 3 is supported in the specification, e.g., at paragraph [0137] (citing to publication US 2006-0288432).

The text added to the description of Figure 5 is supported in the specification, e.g., at paragraph [0142] (citing to publication US 2006-0288432).

The text added to the description of Figures 9 and 10 would be recognized by a person of ordinary skill in the art as clearly conveyed by the original text at, e.g., Example 3, the amended paragraphs, and by the specification taken as a whole.

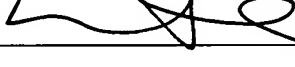
CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 13-NOV-2009

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4059
Facsimile: (202) 672-5399

Rouget F. Henschel
Attorney for Applicant
Registration No. 39,221

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.